

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

44 Capitol Ave., Suite 301 ❖ Hartford, Connecticut 06106
(860) 278-5688 ❖ FAX (860) 278-2957

H.B. 6543 -- Title IV-D child support orders

Human Services Committee Public Hearing -- March 2, 2009

Testimony of Raphael L. Podolsky

<u>Recommended Committee action: AMENDMENT OF THE BILL</u>

This bill, which is sponsored by the Department of Social Services, makes numerous changes in the establishment of child support and the enforcement of orders in Title IV-D cases. We ask the Committee to make two changes in the bill:

- * "Neglect and refusal" (Sec. 24, lines 703-708): Connecticut law has long required that a child support order will be issued only if a person obligated to support a child "neglects or refuses" to furnish necessary support. Section 24 of the bill would make proof of neglect or refusal unnecessary "when petitioning" for support. We do not object to this clarification as applied to current support but we think it contradicts an important principle of Connecticut child support law if applied to arrearages. Liability for an arrearage requires both knowledge of the existence of the child and the ability to pay, i.e., it requires that there be a neglect or refusal to support. To make clear that the new language in Section 24 does not change the law as to arrearages, **the following should be added at the end of line 708:**

..."except with respect to arrearages determined pursuant to subparagraph (A) of subdivision (7) of this section, as amended by this act, or subparagraph (A) of subdivision (5) of subsection (a) of section 17b-745 .

- * Arrearage collection when the obligor lives with the child (Sec. 29, lines. 812-815): If a parent with an arrearage is living with the child, existing law recognizes that arrearage payments should be suspended or reduced if paying them would have an adverse impact on the current ability to support the child. The existing statute as a result requires the Child Support Guidelines Commission to "consider" exemptions similar to those in the state's Uniform Contribution Scale (UCS), which applies to legally liable relatives repaying the state for benefits received by themselves or family members. The UCS exempts those with incomes below 250% of median income from making payments. The Commission did consider the UCS standard but adopted a more restrictive standard. Section 29 deletes entirely the requirement that the Commissioner consider an exemption "similar to" the UCS. **We urge the Committee to insert into line 812 the substance of the language actually adopted by the Commission: "In such cases the guidelines shall require that the payment order be no more than one dollar per week if the obligor's gross income is less than or equal to 250% of the poverty guideline for the obligor's household size or no more than 20% of the imputed current support obligation if the obligor's income is above that amount."**